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In the Supreme Court of the United States

OCTOBER TERM, 1964

No. 763

CITY OF CORONADO and R. J. TOWNSEND, a taxpayer,

Appellants,

vs.

THE SAN DIEGO UNIFIED PORT DISTRICT; MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH, LARRY RUEHLE and DOE I, as port commissioners acting as the Board of Commissioners of the San Diego Unified Port District; THE STATE OF CALIFORNIA, Defendant pursuant to Section 6308 of the Public Resources Code of the State of California; et al.,

Appellees.

On Appeal from the District Court of Appeal of the State of California, Fourth Appellate District

Brief of Appellees The San Diego Unified Port District and Its Port Commissioners in Support of Their Motion to Dismiss Appeal

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THE SAN DIEGO UNIFIED PORT DISTRICT; MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH, LARRY RUEHLE and DOE I, as port commissioners acting as the Board of Commissioners of the San Diego Unified Port District; THE STATE OF CALIFORNIA, Defendant pursuant to Section 6308 of the Public Resources Code of the State of California; et al.,

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Brief of Appellees The San Diego Unified Port District and Its Port Commissioners in Support of Their Motion to Dismiss Appeal

Appellees The San Diego Unified Port District and its Port Commissioners move to dismiss the appeal in this case upon the ground that it does not present a substantial federal question, and in support of their motion submit this brief.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

In addition to the Statute appellants cite as "involved" (Jur. Stmt. p. 5),* this appeal involves the Fourteenth Amendment to the United States Constitution. See Sup. Ct. Rule 40 (1)(c). The Amendment is printed at U.S.C.A., Constitution, Amendment 14, and provides in relevant part:

> "... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

QUESTIONS PRESENTED†

(a) A California statute authorized the voters in the five cities surrounding San Diego Bay to establish a harbor district to hold and operate the tidelands held by each of the cities as trustee for the benefit of all the people of California. The statute provided the district would be established if (1) a majority of voters in the City of San Diego, having 84% of the population of all five cities, and (2) a majority of voters in the other four cities, including Coronado, combined, voted to establish it. Does the statute treat Coronado voters, whose votes it accords five times the weight it accords San Diego's, unfairly as compared with San Diego voters?

(b) The same statute required those cities to transfer the tidelands held by them as trustees, with developments

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*Appellants' Jurisdictional Statement will sometimes be referred to as "Jur. Stmt."

†Appellants have stated the questions presented by this Appeal without reference to the facts presented by it. See Jur. Stmt., pp. 4-5. Accordingly, appellees have undertaken to state those questions. See Sup. Ct. Rule 40(3).

made upon them, to the district upon its establishment. It also required the district to assume the bonded indebtedness each city had incurred in developing the tidelands. The vast majority of voters in the Bay Area voted for, but the majority of voters in Coronado voted against, establishment. Does the district's assumption of that bonded indebtedness deprive either appellant of anything, and, if so, does it deprive either of anything without due process of law?

STATEMENT OF THE CASE

The San Diego-Bay Area is fragmented into a number of separate cities, San Diego, Chula Vista, Coronado, National City and Imperial Beach. Prior to 1962, each of those five cities, except Imperial Beach, was acting as trustee of State tidelands which had been granted to it by the State of California to hold in trust for the benefit of all of the people of the State. See 1911 Calif. Stats., Ch. 700 (grant to San Diego); 1959 Calif. Stats., Ch. 706 (grant to Chula Vista); 1923 Calif. Stats., Ch. 49, p. 86 (grant to Coronado); 1947 Calif. Stats., Ch. 183 (grant to National City). The unified development of the Bay Area port and harbor facilities and adjacent tidelands would have been impossible at that time without the coordinated action of all five of the cities. In order to solve the unique problems thus presented and to facilitate development of the harbor for multiple purpose use, the California Legislature in 1962 enacted the San Diego Unified Port District Act,* § 2 of which states:

> "It is hereby declared to be the policy of the State of California to develop the harbors and ports of this State for multiple purpose use for the benefit of the

*The San Diego Unified Port District Act (1962 Calif. Stats., 1 St. Ex. Sess. Chap. 67), will sometimes be referred to as "Chapter 67" or "Ch. 67". The Act appears at Appendix B to Appellants' Jurisdictional Statement.

> people. A necessity exists within San Diego County for such development. Because of the several separate cities and unincorporated populated areas in the area . . . only a specially created district can operate effectively in developing the harbor and port facilities. Because of the unique problems presented by this area, and the facts and circumstances relative to the development of harbor and port facilities, the adoption of a special act and the creation of a special district is required."

Chapter 67 provided that the question whether the San Diego Unified Port District should be established should be submitted to the voters in the cities surrounding the Bay. The vote was to be conducted in two parts, one part composed of the City of San Diego, which has 84% of the population of the Bay Area, and the other part composed of Coronado and the remaining cities combined, which have 16% of that population.* The district could not be established without the affirmative vote of both parts.

The people voted upon the issue on November 6, 1962, and an overwhelming number of them, 69% in San Diego, 57% in the remaining cities, and 67% of the total, voted "yes". Coronado's voters, whose votes comprised about 2% of the total district vote, recorded a negative majority, but the number of the Coronado "no" votes comprised only about 1.5% of the total vote.†

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*A table indicating the pertinent population figures according to the 1960 census is reproduced at p. 7, *infra*. Since California courts may take judicial notice of census figures, see Calif. Code Civ. Pro. § 1875(3), (9); 18 Cal. Jur. 2d, *Evidence*, § 43, p. 464, they are within the judicial notice of this Court upon this appeal. *Adam v. Saenger*, 303 U.S. 59, 63 (1938); *Hanley v. Donoghue*, 116 U.S. 1, 6-7 (1885); 29 Yale L. J. 460 (1920).

†The official returns of the election are before the Court in the form of an excerpt from the December 18, 1962, minutes of the

In accordance with the people's mandate and the provisions of Chapter 67, on December 18, 1962, the District was formally established. See Appendix A, p. 3. Upon its establishment, the statute required each of the cities to convey to it the tidelands each held in trust, together with any developments made upon them, and also required the District to assume the bonded indebtedness each had incurred in developing them. Ch. 67, § 14, § 67. Some of the developments were substantial. San Diego, for example, had built a harbor and an airport upon its tidelands, and the value of the assets San Diego transferred to the District exceeded the liabilities the District assumed from it by over thirty-two million dollars ($32,000,000).*

San Diego, Chula Vista and National City, the only cities around the Bay, besides Coronado, which had tidelands, have long since transferred them to the District.† None of

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Board of Supervisors of San Diego County. See Appendix A to this Brief. See also Appendix B, a summary of the returns. Those minutes, recording the official acts of the Board of Supervisors, are within the judicial notice of California courts, and therefore of this Court upon this appeal. Calif. Code Civ. Pro. § 1875(2), (3). *O'Neal v. Seabury*, 24 C.A. 2d 308, 74 P.2d 1082 (1938); *Chambers v. Ashley*, 33 C.A. 2d 390, 91 P.2d 932 (1939); p. 4, n, *supra*.

*See San Diego Unified Port District, Annual Financial Report for Fiscal Year Ending June 30, 1963, Ex. D, reproduced at Appendix C to this brief. The court may take judicial notice of the statistical reports of State agencies. Calif. Code Civ. Pro. § 1875(3); *Doyle v. Board of Barber Examiners*, 219 C.A. 2d 504, 516, 33 Cal. Rptr. 346 (1963). The court may also take judicial notice of the existence and location of the airport and harbor San Diego transferred to the district. *Times-Mirror Co. v. Superior Court*, 3 Cal. 2d 309, 333, 44 P.2d 547 (1935); *People v. Velarde*, 45 Cal. App. 520, 529, 188 Pac. 59 (1920).

†See San Diego Unified Port District, Annual Financial Report for Fiscal Year Ending June 30, 1963, Ex. D, reproduced at Appendix C to this brief.

those cities, including Coronado, has or ever had any beneficial interest whatever in those tidelands, because each held them only as trustee for the benefit of all of the people of the State of California. See *Mallon v. City of Long Beach*, 44 C.2d 199, 282 P.2d 481 (1955); Opinion, Appendix A, pp. 20-24, 31.* Despite that fact and the conclusive outcome of the election, Coronado has refused to give up possession of its tidelands. Instead, it and appellant taxpayer have made a number of attempts, all of them unsuccessful, to enjoin the establishment of the District and to enjoin it from operating. (Jur. Stmt., 7-8; Opinion, Appendix A, pp. 2-3, 5). This is the last appeal from the several successive judgments against them.

The District has now been in existence and operating for over two years. Its work is directly related to the economic development of the San Diego Bay Area. Its establishment has not deprived either appellant of anything, and the people of Coronado have recently (on November 3, 1964) demonstrated their enthusiasm and support for the District by voting in favor of three District bond issues by majorities of more than two-for-one.† It is time to lay the matter to rest.

ARGUMENT

This appeal presents two questions, neither of which is substantial. This Court has settled the first, an equal protection question, by its unbroken line of reapportionment decisions, starting with *Baker v. Carr*, 369 U.S. 186 (1962).

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*The opinion of the District Court of Appeal from which this appeal is taken is Appendix A to Appellants' Jurisdictional Statement. It will be cited as "Opinion, Appendix A, p. ".

†The returns of that election are before the Court in the form of a December 8 Resolution of the Board of Supervisors and a Certificate of the Registrar of Voters. See Appendix D.

This Court decided the second, a due process question, over fifty years ago. There is no reason to decide those questions again.

A. The "Equal Protection" Question: Appellants* Have Plainly Not Been Denied the Equal Protection of the Laws.

Section 11 of Chapter 67, which lays down the voting scheme pursuant to which the District was established, provides:

> "The count of the vote in the election shall be conducted in two parts. One part shall consist of those votes cast in the City of San Diego, and the other part shall consist of all those votes cast in the other four cities specified in Section 5 and outside territory."

The City of San Diego, which makes up the first "part" of voters empowered by Section 11 to veto formation of the district, has about 84% of the population of both parts combined; Coronado and the remaining cities, which as a unit make up the other part given the same veto power, have 16% of that population.† The statute therefore accords

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*Since a city "cannot invoke the protection of the Fourteenth Amendment against . . . [its] state," *Newark v. New Jersey*, 262 U.S. 192, 196 (1923); *Williams v. Eggleston*, 170 U.S. 304 (1898), it is clear that "no substantial federal question is presented" by the City of Coronado's Fourteenth Amendment claims. *Trenton v. New Jersey*, 262 U.S. 182, 192 (1923). Nevertheless, its claims will be treated with appellant taxpayer's; since his claims are without merit, *a fortiori* the city's are.

†The 1960 Census reports the following population figures:

	Population	% of Total
Chula Vista	42,034	6 %
National City	32,771	5 %
Coronado	18,039	2½%
Imperial Beach	17,773	2½%
	110,617	16 %
San Diego	573,224	84 %
	683,841	100 %

the votes of electors in Coronado and the other cities in the second "part" over five times the weight it accords the votes of San Diego electors. Nevertheless, appellants contend that Coronado voters were treated unfairly compared with San Diego voters.

Appellants' complaint is that San Diego voters, considered as a unit, were empowered to veto formation of the District, while Coronado voters, considered as a unit, were not. (Jur. Stmt. p. 10). If, they say, the 84% of the area's population living in San Diego can prevent the establishment of the District even though the remaining 16% of the population may vote for it, then the 2½% of the population living in Coronado is entitled to prevent the District's establishment even though the remaining 97½% of the area's population votes for it.* That contention is based upon the premise that the equal protection clause of the Fourteenth Amendment requires the vote of one city to count equally to the vote of another city, without reference to the number of voters residing in either. The recent reapportionment decisions of this Court, upon which appellants apparently rely (Jur. Stmt. pp. 12-13), make it crystal clear that the law is precisely to the contrary.

In *Baker v. Carr*, 369 U.S. 186 (1962), the Court held that a complaint which alleged that the scheme by which the Tennessee General Assembly was apportioned effected a "gross disproportion of representation to voting population" presented a justiciable federal question. 369 U.S. at 207. In *Gray v. Sanders*, 372 U.S. 368 (1963) (Jur. Stmt. p. 13),

*Appellants' assertion that Chapter 67 empowered San Diego "to remain independent of the unified port scheme" (Jur. Stmt. 11) is inaccurate; San Diego was empowered to veto the District's formation, not to stay independent of it if it were established. Of course Coronado is asking for the right to *veto* the District's formation, not the right to stay independent of it.

the Court held that the Georgia county unit system, which gave the votes of less populous counties greater weight than those of more populous counties, deprived voters in the more populous counties of equal protection. The Court stated:

> "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote." Id., at 381.

In *Wesberry v. Sanders,* 376 U.S. 1 (1964), the Court held that a Georgia scheme according equal numbers of congressmen to districts varying in population by multiples of two and three deprived voters in the more populous districts of equal protection. The Court repeated the principle that elections must be conducted on the basis of "one person, one vote." And in *Reynolds v. Sims,* the Court held that both houses of a state legislature must be apportioned on the basis of "equal representation for equal numbers of people . . .," and that accordingly a plan alloting one senator per county, some varying substantially in population, was invalid. 377 U.S. 533, 560-61 (1964). The Court said, at p. 567:

> "The fact that an individual lives here or there is not a legitimate reason for over-weighting or diluting the efficacy of his vote . . . (T)he basic principle of representative government remains, and must remain, unchanged—the weight of a citizen's vote cannot be made to depend on where he lives."*

*The statement which appellants quote from *Gray v. Sanders, supra,* that "there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the state," (Jur. Stmt. p. 13) of course is opposed to their position. The language means what the language quoted from *Reynolds* means: the vote of a resident of one part of a State cannot be given weight greater than that of a resident of a different part.

Thus the Fourteenth Amendment requires the boundaries of cities and counties to be disregarded so that equal numbers of persons may be represented and have their votes counted with reasonable equality. See Opinion, Appendix A, pp. 26-27. Since Coronado has less than 1/30 of the number of people residing in San Diego, it was constitutionally entitled* to have its votes accorded less than 1/30 the weight accorded San Diego's votes. Since its votes were actually accorded five times the weight accorded to San Diego's—or 150 times what they were constitutionally required to be given—its equal protection claim is absurd.

Appellants argue, however, that the reapportionment cases require all voters to be treated "equally with respect to all attributes bearing upon the exercise of their franchise." (Jur. Stmt. 12). The attribute they have in mind is the attribute "city citizen". City citizens are not treated equally, the argument goes, if one city's votes upon an issue are counted as a unit and given the weight of, say, 100, unless each other city's votes upon the issue, regardless of the city's population, are counted as a unit and given the same weight of 100. The difficulty with that argument is that the reapportionment cases relied on to support it establish that the attribute of city citizen does *not* "bear upon the exercise of the franchise"; those cases require the boundaries of cities to be disregarded so that equal numbers of persons, not the cities in which they vote, may have their votes accorded reasonably equality.†

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*There is some doubt that the equal protection clause extends to State elections conducted at less than state-wide level. See *Johnson v. Genesee County, Mich.*, 232 F.Supp. 567 (E.D. Mich. 1964).

†Appellants' assertion that Coronado's residents voted as members of an electorate "bearing no relationship to their interests and obligations as citizens of Coronado," (Jur. Stmt., p. 10), is irrele-

The recent District Court case, *Dorsey v. Fortson*, 228 F. Supp. 259 (N.D. Ga. 1964), *prob. juris. noted*, 33 U.S.L. Week 3115 (U.S. Oct. 13, 1964), which appellants apparently believe has miraculously rescued them from the rules pronounced by this Court, is entirely irrelevant. *Dorsey* holds merely that when a state divides itself into senatorial districts *each having an equal population*, the equal numbers of people in each district, and not just some of the districts, must be given the right to elect their own representative. The Court said:

> "In sum, the Senate was apportioned to population. The State . . . divided the state into population districts. Having done so, and the circumstances as they relate to voters residing in each being the same; they are entitled to equal treatment." 228 F. Supp. at 264.

Dorsey does not hold that a state must give all its cities the same treatment without regard to differences between them; still less does it hold that the votes of unequal numbers of people residing in different cities must be accorded equal weight.

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vant because those interests are not and cannot be legally protected. "Political subdivisions of a state—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the state to assist in the carrying out of state governmental functions." *Reynolds v. Sims, supra*, at 575. Accordingly, the state may in its discretion extend or limit the boundaries of municipalities, "consolidate two or more into one, overrule their legislative action whenever it is deemed unwise, impolitic, or unjust, and even abolish them altogether . . . and substitute those in their place which are different." *Mt. Pleasant v. Beckwith*, 100 U.S. 514, 529 (1879); *Laramie County v. Albany County*, 92 U.S. 307, 312-13 (1875). See Opinion, Appendix A, pp. 27-28.

B. The "Due Process" Question: Chapter 67 Plainly Does Not Deprive Coronado's Residents of Property Without Due Process of Law.

The issues raised by Appellants' due process claim were decided against them over fifty years ago by this Court, *Hunter v. Pittsburgh*, 207 U.S. 161 (1907). In *Hunter* a Pennsylvania statute provided that Pittsburgh and Allegheny would be merged if a majority of voters voting in both cities, considered as a unit, voted for merger. The majority of voters in the two cities, considered as a unit, voted for merger, but the majority of voters in Allegheny, considered separately, voted against it. An Allegheny taxpayer brought suit to prevent the consolidation, alleging that Pittsburgh intended to make large expenditures for the sole benefit of territory within its prior boundaries. The debt arising from the expenditures was in part to be retired by taxes paid by Allegheny citizens, and plaintiff alleged that those taxes would deprive him of property without due process of law. 207 U.S. at 165-166. The Court rejected that contention, and said:

> "[A State legislature] at its pleasure . . . may . . . expand or contract the territorial area [of a municipality], [and] unite the whole or part of it with another . . ., although the inhabitants and property owners may by such changes suffer inconvenience, and their property may be lessened in value by the burden of increased taxation, or for any other reason . . ."

Hunter's statement as to the legislature's power with regard to municipalities was recently cited with approval in *Reynolds v. Sims*, 377 U.S. 533, 575 (1964), and its principle recently reaffirmed in *Gomillion v. Lightfoot*, 364 U.S. 339 (1960):

> "[*Hunter v. Pittsburgh* held that] a citizen of one municipality is not deprived of property without due process of law by being subjected to increased tax

burdens as a result of the consolidation of his city with another. . . .

"[I]f one principle clearly emerges from the numerous decisions of this Court dealing with taxation, it is that the Due Process Clauses affords no immunity against mere inequalities in tax burdens, nor does it afford protection against their increase as an indirect consequence of a state's exercise of its political powers." *Id*, at pp. 342-343.

Appellants attempt to distinguish *Hunter* on the ground that Allegheny taxpayers were to be taxed only for "anticipated, future indebtedness," while Coronado taxpayers may be taxed for San Diego's "pre-existing debts." (Jur. Stmt. pp. 15-16) That is a classic distinction without a difference. In both cases any taking of property from citizens of the smaller city occurs not on the assumption or issuance of debt, but on payment of taxes levied to pay the debt. Whether revenue from those taxes is used to pay past debts or future debts cannot make any difference to the taxpayer; the bite he suffers in each instance is identical. Appellants' assertion that "the *Hunter* plaintiffs . . . were entitled to participate in . . . the authorization of the future improvement programs requiring the issuance of municipal bonds" (Jur. Stmt. 17), for the payment of which they were to be taxed, does not support the distinction either. Coronado will participate, through its representative on the Board of Port Commissioners, in determining whether to pay the debts the District has assumed out of operating revenue or by assessing taxes (see pp. 14-15, *infra*) ; and since with only 2% of the District's population Coronado will elect one of the seven members of the Board of Port Commissioners, its representative will have six times the voice Coronado's population would entitle him to have were it represented on

the Board on the basis of population equality. Ch. 67, §§ 16, 46-49.5, 80, 85.

In any event, this Court has expressly held that a state legislature may impose the pre-existing indebtedness of a town or county upon a different town or county, without even permitting the transferee to vote upon the question. See *Mt. Pleasant v. Beckwith*, 100 U.S. 514 (1879); *Morgan v. Beloit, City and Town*, 74 U.S. 613 (1868). Cf. *Laramie County v. Albany County*, 92 U.S. 307 (1875).* Accordingly, far from being a "first decision" (Jur. Stmt. p. 15) the District Court of Appeals' ruling has been established constitutional law for almost a century.

Moreover, the issue is not even present in this case. As appellants point out, San Diego's debts were transferred to a "special governmental district." (Jur. Stmt., pp. 15, 17). In the *Mt. Pleasant* and *Morgan* cases, the debts of the transferor city were transferred directly to the transferee city, whose taxpayers plainly were saddled with the obligation to pay the debt. But Section 67 of Chapter 67 provides that the District, not Coronado or its taxpayers, will assume the prior bonded indebtedness of the transferor city.

Section 67 does provide that the District may use proceeds raised by taxation of property in the cities included in the District to retire the bonds it assumes from them. But appellants do not allege that the District has levied a tax, much less that its proceeds have been or will be used to retire the bonds. Moreover, Section 67 and, as appellants point out, the bond assumption agreements entered by

*Appellants imply that the pre-existing debts of an *insolvent* city, but not of a solvent one, may constitutionally be transferred to an objecting city. (Jur. Stmt., p. 15). Appellants fail to explain the substance of that distinction, or to note that in *Morgan, supra*, the transferor was solvent. See also *Laramie County v. Albany County, supra.*

the District pursuant to it (Jur. Stmt. 7), provide that revenues from the facilities constructed from the bond proceeds shall be used to retire them, and Sections 80 and 85 provide that moneys accruing from the operation of harbor facilities and from tolls and charges collected by the District may also be used to retire them. Therefore, although it is possible that some day taxes paid by Coronado citizens may be used to pay part of San Diego's "pre-existing debt", it is equally possible that that may never happen. (See Opinion, Appendix A, pp. 31-32; Jur. Stmt., p. 7). When and if it does, appellant taxpayer may not even reside in Coronado. Meanwhile, he has not been deprived of anything, with or without due process of law. *Johnson v. Genesee County, Mich.*, 232 F.Supp. 567, 571 (E.D. Mich. 1964). See *Doremus v. Board of Education*, 342 U.S. 429 (1952); *Coffman v. Breeze Corporations*, 323 U.S. 316 (1945).* As for appellant Coronado, it will *never* be deprived of anything, because its property is exempt from taxation under State law. See Opinion, Appendix A, p. 32.

And there are two sides to a balance sheet; while it transferred debts which it incurred in the development of its tidelands to the District, San Diego also transferred to the District those tidelands, on which substantial improvements, including a harbor and an airport, had been built. The value of the assets San Diego transferred to the District exceeded the amount of the debts it transferred to it by over thirty-two million dollars ($32,000,000). See p. 5,

*The suggestion (Jur. Stmt., p. 16, n. 5) that appellant taxpayer's property has been taken because it has decreased in value by having somehow been encumbered with the District's obligations is unsupported by any fact in this record or any authority cited by appellants or known to us. In fact, State authority is directly opposed. *Drumhiller v. Wright*, 64 Cal. App. 498, 500, 222 Pac. 166 (1923).

supra. Appellants claim that San Diego's debts were "foisted" upon them is fantasy,* and the people of Coronado themselves, who have recently voted overwhelmingly in favor of three District bond issues, apparently share that opinion. See p. 6, *supra.*

CONCLUSION

Appellants' Complaint prays for an injunction restraining the District from operating, and for a declaration that the procedures which established it are unconstitional. See Clerk's Transcript, pp. 15-16. In other words, appellants ask this Court to bring the District, which has been operating about two years, to a dead stop.† They have not mentioned a reason why they need, or are entitled to, that extraordinary relief.

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*Appellants' insinuation that San Diego's voters voted in favor of the District in order to unload their debt upon Coronado (Jur. Stmt., pp. 15, 17) is not supported by anything in the record, and it is patently absurd in the light of the value of the San Diego assets transferred to the District. Their other gratuitous insinuation, that San Diego's voters knew the District would assume San Diego's debts but didn't know that on establishment the District would be authorized to issue new obligations, in whose payment they would have to share (Jur. Stmt., p. 17), attributes to San Diego voters a startling composite of craftiness and naivete which exists only in appellants' fancy and is not even suggested by any fact in this record. The District clearly has the authority to issue new obligations. (Ch. 67, § 28.)

†Appellants limited their prayer in the brief filed by them in the District Court of Appeal, and asked the Court to remove Coronado "from the contours of the District." Whether they intend to limit their prayer on this Appeal does not appear from their Jurisdictional Statement. In any case, removing Coronado from the District is no solution. That would permit Coronado to share the economic benefits afforded by the District without being subject to the correlative obligations. The legislature enacted Chapter 67 because it determined that the harbor and port facilities of the San Diego Bay Area could be effectively developed only by a specially created district having jurisdiction over all of the facilities in the area, including those in Coronado. Removing Coronado from the District runs against the entire legislative scheme and would destroy the very basis upon which the District was established.

In fact, neither the operation of the District nor the procedures leading to its establishment have deprived either appellant of anything, and the questions of law which appellants present have all been decided against them long ago by this Court. The voters in the affected area overwhelmingly approved the District's establishment. The people of Coronado have recently overwhelmingly endorsed its operation. The District has work to do, and it should be permitted to get on with it, unhindered by the cloud this litigation has hung over it. The Appeal should be dismissed.

The State of California has authorized us to state that it joins in this brief.

Respectfully submitted,

AARON W. REESE
BURNHAM ENERSEN
601 California Street
San Francisco, California 94108

By BURNHAM ENERSEN
Counsel for Appellees
The San Diego Unified
Port District and its
Port Commissioners

Of Counsel
McCUTCHEN, DOYLE, BROWN, TRAUTMAN & ENERSEN
DAVID M. HEILBRON

PROOF OF SERVICE

I, BURNHAM ENERSEN, one of the attorneys for appellees SAN DIEGO UNIFIED PORT DISTRICT, MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH and LARRY RUEHLE, and a member of the Bar of the Supreme Court of the United States, certify that on the 7th day of January, 1965, I served copies of the foregoing Brief of Appellees San Diego Unified Port District and its Port Commissioners in Support of Motion to Dismiss Appeal on the several parties as follows:

1. On appellants CITY OF CORONADO and R. J. TOWNSEND, by depositing a copy in a United States Post Office Box at San Francisco, California, with first-class postage prepaid, to their attorneys of record as follows:

(a) John R. Goodbody, Esq.
City Attorney
Coronado, California

(b) George A. Blackstone
Caspar W. Weinberger
M. Laurence Popofsky
John H. Cutler
Heller, Ehrman, White & McAuliffe
Attorneys at Law
14 Montgomery Street
San Francisco, California

2. On the STATE OF CALIFORNIA, by depositing a copy in a United States Post Office Box at San Francisco, California, with first-class postage prepaid, to its attorneys of record as follows:

Thomas Lynch, Attorney General
Ariel C. Hilton, Deputy Attorney General
600 California State Building
Los Angeles 12, California

BURNHAM ENERSEN

Attorney for Appellees
The San Diego Unified
Port District and its
Port Commissioners

(Appendices Follow)

Appendix A

Excerpt from Board of Supervisors' Minutes of December 18, 1962

No. 111
Re the Formation of the
San Diego Unified Port
District.

On motion of Supervisor Bird, seconded by Supervisor Gibson, the following resolution is adopted:

WHEREAS, there were heretofore filed with this Board resolutions of consent adopted by the councils of the City of National City (Document No. 320796) and The City of San Diego (Document No. 320886), and petitions calling for the formation of the proposed San Diego Unified Port District from the cities of Chula Vista (Document No. 320895), Coronado (Document Nos. 320896 and 320903) and Imperial Beach (Document No. 320897), all as authorized and required by Sections 6 and 7 of the San Diego Unified Port District Act; and

WHEREAS, pursuant thereto this Board on August 7, 1962 adopted its order setting said resolutions and petitions for hearing before it on Thursday, September 6, 1962 at 9:30 a.m. in its chamber (Minutes 8-7-62 item 121); and

WHEREAS, said hearing was held at said time and place and at an adjourned session held on September 6, 1962 at 2:00 p.m., and then closed; and

WHEREAS, on September 13, 1962 at an adjourned regular meeting, this board adopted its resolution calling an election to be held November 6, 1962 on the proposition of the formation of the proposed San Diego Unified Port District and ordered said election consolidated with the State-wide general election to be held on that date (Minutes 9-13-62 item 2; and

WHEREAS, said election was held on said date by the Registrar of Voters of the County of San Diego in accordance with said order and he thereafter canvassed the returns from each precinct and the absentee vote for said election and certified to the Clerk of this Board on December 18, 1962 the result of said canvass (Document No. 326440); and

WHEREAS, on December 18, 1962 the Clerk of this Board entered upon the records of this Board a statement of said result (Document No. 326444); NOW THEREFORE

IT IS RESOLVED, DETERMINED AND DECLARED that at said election of November 6, 1962 the vote cast on the proposition of the formation of the proposed San Diego Unified Port District was as follows:

Measure Submitted to Vote of Voters:

> Shall the proposition to organize the San Diego Unified Port District for the development and improvement of the tidelands and lands lying under the inland navigable waters of San Diego Bay and the promotion of commerce, navigation, fisheries and recreation thereon, pursuant to the San Diego Unified Port District Act, be adopted?

Vote Cast in The City of San Diego:

	Precincts	Absentee	Total
Yes	110,759	4,218	114,977
No	50,924	1,213	52,137

Vote Cast in the Cities of Chula Vista, Coronado, Imperial Beach and National City:

	Precincts		Precincts
Chula Vista		National City	
Yes	8,764	Yes	4,590
No	5,380	No	2,754
Coronado		Absentee	
Yes	1,024	Yes	432
No	3,014	No	365
Imperial Beach		Total	
Yes	1,891	Yes	16,701
No	1,325	No	12,838

IT IS FURTHER FOUND AND DECLARED that at said election of November 6, 1962 a majority of the votes cast in The City of San Diego was in favor of the formation of said proposed San Diego Unified Port District and that a majority of the votes cast in the cities of Chula Vista, Coronado, Imperial Beach and National City, there being no outside territory and the votes from said four cities being combined together, was cast in favor of the formation of said proposed San Diego Unified Port District.

ACCORDINGLY, IT IS RESOLVED, DECLARED AND ORDERED that

1. The San Diego Unified Port District is duly established, formed and existing in the County of San Diego pursuant to the San Diego Unified Port District Act (California Statutes of 1962, First Extraordinary Session, Chapter 67);

2. The name of the district shall be San Diego Unified Port District;

3. The official name or names by which the district is commonly known is "Port of San Diego".

4. The boundaries of the San Diego Unified Port District are described as follows:

All that territory of the County of San Diego included within the boundaries of the City of Chula Vista, the City of Coronado, the City of Imperial Beach, the City of National City and The City of San Diego.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 18th day of December, 1962, by the following vote:

AYES: Supervisors Gibson, Bird, Dent, Austin and Cozens

NOES: Supervisors None

ABSENT: Supervisors None

State of California, } ss.
County of San Diego, }

I, R. B. JAMES, County Clerk of the County of San Diego, State of California, and ex officio Clerk of the Board of Supervisors of said County, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the Seal of said Board of Supervisors, this 18th day of December, 1962.

R. B. JAMES, County Clerk and ex officio Clerk of the Board of Supervisors

By SARA DREW
Deputy

(Seal)

SUMMARY OF ELECTION RETURNS

FIRST PART City		Precinct Vote	Absentee Vote	Total First Part Vote	Percentage	Total Vote (Yes and No Totalled)	Percentage of Total District Vote
San Diego	Yes	110,759	4,218	114,977	69%	167,114	85%
	No	50,924	1,213	52,137	31%		
				167,114	100%		

SECOND PART City		Precinct Vote	Absentee Vote	Total Second Part Vote	Percentage	Total Vote (Yes and No Totalled)	Percentage of Total District Vote
Chula Vista	Yes	8,764	—	8,764		14,144	7%
	No	5,380		5,380			
National City	Yes	4,590	—	4,590		7,344	4%
	No	2,754		2,754			
Coronado	Yes	1,024	—	1,024		4,038	2%
	No	3,014		3,014			
Imperial Beach	Yes	1,891	—	1,891		3,216	1½%
	No	1,325		1,325			
	Yes		432	432			
	No		365	365		797	½%
						29,539	15%

Total Yes	16,701	57%
Total No	12,838	43%
Total Second Part Vote	29,539	100%
Total Vote Both Parts	196,653	

Appendix B

Appendix C

SAN DIEGO UNIFIED PORT DISTRICT

ANNUAL FINANCIAL REPORT

PORT OF SAN DIEGO UNIFIED PORT DISTRICT

FISCAL YEAR ENDING JUNE 30, 1963

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PORT OF SAN DIEGO
And Lindbergh Field Air Terminal
1365 North Harbor Drive · San Diego 1, California
Phone 233-0181 · Mailing Address: P.O. Box 488, San Diego 12

29 October 1963

On 22 October 1963 at a regular meeting of the Board of Port Commissioners of the San Diego Unified Port District the Board adopted the report dated 13 August 1963 of Peat, Marwick, Mitchell & Co., Certified Public Accountants, as the report of the Board of Port Commissioners of the affairs and financial condition of the District for the fiscal year ended 30 June 1963.

/s/ CHARLES C. HARTMAN
RADM Charles C. Hartman (USN Ret)
Vice Chairman
Board of Port Commissioners
San Diego Unified Port District

/s/ JAMES V. GLASGOW
James V. Glasgow
Secretary
Board of Port Commissioners
San Diego Unified Port District

PEAT, MARWICK, MITCHELL & CO.
Certified Public Accountants
(Incorporating Everts and Esenoff)
1850 Fifth Avenue
San Diego 1, California

ACCOUNTANTS' REPORT

Board of Port Commissioners
San Diego Unified Port District:

We have examined the balance sheet—all funds of the San Diego Unified Port District as of June 30, 1963 and the related statements of operations and statement of transfers from cities and changes in District equity, reserves and fund balances for the period then ended. These statements do not include the assets, liabilities or operating figures pertaining to the City of Coronado tideland properties which, subject to pending litigation, may be includable herein. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

The financial statements included in this report were prepared from the accounting records which are maintained on the accrual basis method of accounting and accordingly revenues are recorded when earned and expenses are recorded when incurred.

In our opinion, the accompanying financial statements, present fairly the financial position of the San Diego Unified Port District at June 30, 1963 and the results of its operations and changes in fund balances for the period then ended in conformity with generally accepted accounting principles.

PEAT, MARWICK, MITCHELL & CO.

San Diego, California
August 13, 1963

SAN DIEGO UNIFIED PORT DISTRICT

Statement of Transfers from Cities and Changes in District Equity, Reserves and Fund Balances (Note 1)

December 18, 1962 through June 30, 1963

		Revenue fund			Other funds				
	Total	Available for operations	Investment in land, facilities and equipment	Long-term debt	Public works construction	Capital outlay	Special aviation	Stores revolving	Petty cash and change revolving
Transfers from cities:									
City of San Diego:									
Increases:									
Cash from City harbor funds, net of interest earned subsequent to February 15, 1963 ($20,322.90)	$ 1,205,704.95	654,108.00			542,450.49		5,000.00	4,146.46	
Cash from City deposit trust fund	6,562.15								
Investments	68,000.00	68,000.00							
Stores inventory	69,895.90							69,895.90	
Receivables, other than concession returns	68,715.34	68,715.34							
Concession returns receivable	52,917.08	52,917.08							
Bond interest and redemption fund balance - 1960 harbor improvement	225,634.85								
Prepaid insurance and deferred charges to income	76,211.88	76,211.88							
Operating fund balance, June 30, 1963	77,287.10	77,287.10							
Excess of operating fund encumbrances over actual liabilities incurred at June 30, 1963	51,683.42	51,683.42							
Land, facilities and equipment	47,501,398.91		47,501,398.91						
Operating fund construction in progress	1,019,630.00		1,019,630.00						
Total increases	50,423,641.58	1,048,922.82	48,521,028.91	-	542,450.49	-	5,000.00	74,042.36	-
Decreases:									
Bonded debt assumed (principal)	10,709,500.00			10,709,500.00					
Bond interest accrued at transfer date	137,285.06								
Accumulated depreciation, facilities and equipment	6,496,412.71		6,496,412.71						
Book value of equipment costing less than $50.00 not capitalized	4,654.37		4,654.37						
Provision for uncollectible receivables	9,213.74	9,213.74							
Revenues paid in advance	46,540.31	46,540.31							
Receivable adjustment	29.66	29.66							
Accrued vacation pay	93,806.74	93,806.74							
Accrued overtime pay	6,500.37	6,500.37							
Total decrease	17,503,942.96	156,090.82	6,501,067.08	10,709,500.00	-	-	-	-	-
Total, City of San Diego	32,919,698.62	892,832.00	42,019,961.83	(10,709,500.00)	542,450.49	-	5,000.00	74,042.36	-
City of Chula Vista:									
Increases:									
Cash	373,262.84	18,559.74							
Land	2,040,770.00		2,040,770.00						
Total increases	2,414,032.84	18,559.74	2,040,770.00	-	-	-	-	-	-
Decreases:									
Bonded debt assumed (principal)	1,130,000.00			1,130,000.00					
Bond interest accrued at transfer date	20,865.56								
Revenues paid in advance	110,556.72	110,556.72							
	1,261,422.28	110,556.72	-	1,130,000.00	-	-	-	-	-
Total, City of Chula Vista	1,152,610.56	(91,996.98)	2,040,770.00	(1,130,000.00)	-	-	-	-	-
Carried forward	$ 34,072,309.18	800,835.02	44,060,731.83	(11,839,500.00)	542,450.49	-	5,000.00	74,042.36	-

SAN DIEGO UNIFIED PORT DISTRICT

Exhibit D

ansfers from Cities and Changes in District Equity,
Reserves and Fund Balances (Note 1)

cember 18, 1962 through June 30, 1963

	Total	Revenue fund			Other funds								
		Available for operations	Investment in land, facilities and equipment	Long-term debt	Public works construction	Capital outlay	pecial viation	Stores revolving	Petty cash and change revolving	Chula Vista harbor improvement bond construction	Interest and redemption funds	Deposit trust	Payroll deduction trust
	$ 1,205,704.95	654,108.00			542,450.49		5,000.00	4,146.46					
	6,562.15											6,562.15	
	68,000.00	68,000.00											
	69,895.90							69,895.90					
	68,715.34	68,715.34											
	52,917.08	52,917.08											
nt	225,634.85										225,634.85		
	76,211.88	76,211.88											
	77,287.10	77,287.10											
	51,683.42	51,683.42											
	47,501,398.91		47,501,398.91										
	1,019,630.00		1,019,630.00										
	50,423,641.58	1,048,922.82	48,521,028.91	-	542,450.49	-	5,000.00	74,042.36	-	-	225,634.85	6,562.15	-
	10,709,500.00			10,709,500.00									
	137,285.06										137,285.06		
	6,496,412.71		6,496,412.71										
	4,654.37		4,654.37										
	9,213.74	9,213.74											
	46,540.31	46,540.31											
	29.66	29.66											
	93,806.74	93,806.74											
	6,500.37	6,500.37											
	17,503,942.96	156,090.82	6,501,067.08	10,709,500.00	-	-	-	-	-	-	137,285.06	-	-
	32,919,698.62	892,832.00	42,019,961.83	(10,709,500.00)	542,450.49	-	5,000.00	74,042.36	-	-	88,349.79	6,562.15	-
	373,262.84	18,559.74								354,703.10			
	2,040,770.00		2,040,770.00										
	2,414,032.84	18,559.74	2,040,770.00	-	-	-	-	-	-	354,703.10	-	-	-
	1,130,000.00			1,130,000.00									
	20,865.56										20,865.56		
	110,556.72	110,556.72											
	1,261,422.28	110,556.72	-	1,130,000.00	-	-	-	-	-	-	20,865.56	-	-
	1,152,610.56	(91,996.98)	2,040,770.00	(1,130,000.00)	-	-	-	-	-	354,703.10	(20,865.56)	-	-
	$ 34,072,309.18	800,835.02	44,060,731.83	(11,839,500.00)	542,450.49	-	5,000.00	74 042.36	-	354,703.10	67,484.23	6,562.15	-

SAN DIEGO UNIFIED PORT DISTRICT

Statement of Transfers from Cities and Changes in District Equity,
Reserves and Fund Balances (Note I), Continued

	Total	Revenue fund					
		Available for operations	Investment in land, facilities and equipment	Long-term debt	Public works construction	Capital outlay	Special aviatio
Brought forward	$ 34,072,309.18	800,835.02	44,060,731.83	(11,839,500.00)	542,450.49	-	5,000.0
City of National City:							
Increases:							
Cash, net of rental income earned subsequent to March 1, 1963 ($262.13)	$ 31,270.05	31,270.05					
Receivables	25,774.39	25,774.39					
Deposit, California Water and Telephone Company	15,170.42	15,170.42					
Due from City for receivable collections	12,236.70	12,236.70					
Land and facilities	1,197,374.99		1,197,374.99				
Total increases	1,281,826.55	84,451.56	1,197,374.99	-	-	-	-
Decreases:							
Accumulated depreciation	991.75		991.75				
Total decreases	991.75	-	991.75	-	-	-	-
Total, City of National City	1,280,834.80	84,451.56	1,196,383.24	-	-	-	-
Total - all cities	35,353,143.98	885,286.58	45,257,115.07	(11,839,500.00)	542,450.49	-	5,000.0
District transactions:							
Increases:							
Net revenue, excluding depreciation expense (Exhibit C)	487,413.75	487,413.75					
Interest income, other than revenue fund	19,786.12				11,244.58		
Federal grants in aid	205,500.00				205,500.00		
Amount required for accrued interest	202,187.66						
Trust fund deposits, net of withdrawals	11,862.57						
Fund transfers	-	(486,607.03)	186,877.22		268,729.81	35,000.00	(5,000.0
Total increases	926,750.10	806.72	186,877.22	-	485,374.39	35,000.00	(5,000.0
Decreases:							
Interest expense	130,703.76						
Depreciation, period ended June 30, 1963	238,476.42		238,476.42				
Depreciation on grants in aid, period ended June 30, 1963	4,656.11		4,656.11				
Total decreases	373,836.29	-	243,132.53	-	-	-	-
Total, District	552,913.81	806.72	(56,255.31)	-	485,374.39	35,000.00	(5,000.0
Equity, reserves and fund balances, June 30, 1963	$ 35,906,057.79	886,093.30	45,200,859.76	(11,839,500.00)	1,027,824.88	35,000.00	-
Analysis of equity, reserves and fund balances:							
Equity in land, facilities and equipment	33,361,359.76		45,200,859.76	(11,839,500.00)			
Reserve for debt redemption	141,482.94						
Reserve for authorized expenditures	1,388,654.71				1,027,824.88		
Capital outlay fund balance	35,000.00					35,000.00	
Trust fund balances	18,424.72						
Revolving fund balances	75,042.36						
Reserve for encumbrances	102,333.43	102,333.43					
Available for operations	783,759.87	783,759.87					
	$ 35,906,057.79	886,093.30	45,200,859.76	(11,839,500.00)	1,027,824.88	35,000.00	-

See accompanying notes to financial statements.

SAN DIEGO UNIFIED PORT DISTRICT

ment of Transfers from Cities and Changes in District Equity, Reserves and Fund Balances (Note 1), Continued

	Total	Revenue fund			Other funds								
		Available for operations	Investment in land, facilities and equipment	Long-term debt	Public works construction	Capital outlay	Special aviation	Stores revolving	Petty cash and change revolving	Chula Vista harbor improvement bond construction	Interest and redemption funds	Deposit trust	Payroll deduction trust
	$ 34,072,309.18	800,835.02	44,060,731.83	(11,839,500.00)	542,450.49	-	5,000.00	74,042.36	-	354,703.10	67,484.23	6,562.15	-
1963 ($262.13)	$ 31,270.05	31,270.05											
	25,774.39	25,774.39											
	15,170.42	15,170.42											
	12,236.70	12,236.70											
	1,197,374.99		1,197,374.99										
	1,281,826.55	84,451.56	1,197,374.99	-	-	-	-	-	-	-	-	-	-
	991.75		991.75										
	991.75	-	991.75	-	-	-	-	-	-	-	-	-	-
	1,280,834.80	84,451.56	1,196,383.24	-	-	-	-	-	-	-	-	-	-
	35,353,143.98	885,286.58	45,257,115.07	(11,839,500.00)	542,450.49	-	5,000.00	74,042.36	-	354,703.10	67,484.23	6,562.15	-
	487,413.75	487,413.75											
	19,786.12				11,144.58					6,126.73	2,514.81		
	205,500.00				205,500.00								
	202,187.66										202,187.66		
	11,862.57												
	-	(486,607.03)	186,877.22		268,729.81	35,000.00	(5,000.00)		1,000.00			2,300.85	9,561.72
	926,750.10	806.72	186,877.22	-	485,374.39	35,000.00	(5,000.00)	-	1,000.00	6,126.73	204,702.47	2,300.85	9,561.72
	130,703.76										130,703.76		
	238,476.42		238,476.42										
	4,656.11		4,656.11										
	373,836.9	-	243,132.53	-	-	-	-	-	-	-	130,703.76	-	-
	552,913.81	806.72	(56,255.31)	-	485,374.39	35,000.00	(5,000.00)	-	1,000.00	6,126.73	73,998.71	2,300.85	9,561.72
1963	$ 35,906,057.79	886,093.30	45,200,859.76	(11,839,500.00)	1,027,824.88	35,000.00	-	74,042.36	1,000.00	360,829.83	141,482.94	8,863.00	9,561.72
	33,361,359.76		45,200,859.76	(11,839,500.00)									
	141,482.94										141,482.94		
	1,388,654.71				1,027,824.88					360,829.83			
	35,000.00					35,000.00							
	18,424.72												
	75,042.36											8,863.00	9,561.72
	102,333.43	102,333.43						74,042.36	1,000.00				
	783,759.87	783,759.87											
	$ 35,906,057.79	886,093.30	45,200,859.76	(11,839,500.00)	1,027,824.88	35,000.00	-	74,042.36	1,000.00	360,829.83	141,482.94	8,863.00	9,561.72

Appendix D

No. 50

Re Declaration of the Result of the San Diego Unified Port District Bond Election Consolidated with the Statewide General Election of November 3, 1964.

On motion of Supervisor Gibson, seconded by Supervisor Cozens, the following resolution is adopted:

WHEREAS, by Resolution No. 64-178 of its board of port commissioners the San Diego Unified Port District requested that this Board consolidate a proposed bond election with the statewide general election of November 3, 1964, said resolution having been filed with this Board on August 19, 1964 (Document No. 350015); and

WHEREAS, by resolution adopted August 25, 1964 (minutes 8-25-64, item 45) this Board ordered the consolidation of said bond election with the statewide general election of November 3, 1964; and

WHEREAS, said consolidated election was called, held and conducted in the manner required by law and on November 20, 1964 the Registrar of Voters of the County of San Diego certified to the Clerk of this Board the result of the canvass of said consolidated election (Document No. 353452); and

WHEREAS, the Clerk of this Board has entered upon the records of this Board a statement of said result (Document No. 353469);

NOW THEREFORE

IT IS RESOLVED AND DECLARED that the result of said port district bond election is as follows:

PROPOSITION G.

		Vote		
		Precincts	Absentee	Total
Shall the San Diego Unified Port District incur a bonded indebtedness in the principal sum of $5,410,000 for the purpose of the acquisition and construction of improvements, works, property and facilities at Lindbergh Field International Airport, including the relocation and construction of flight electronic aids, the construction of aircraft parking and service aprons, taxi-ways, aircraft run-up pad, roadways and highway overpass, and the acquisition and construction of a new terminal building and auxiliary buildings with necessary equipment, furniture and furnishings, the reconstruction of the existing terminal building, the acquisition of a building and its modification to a structure for air cargo, and for the foregoing appurtenances and appurtenant work, and the acquisition, construction and installation of automobile parking lots, sidewalks and curbs, utilities, lighting, drainage structures, fencing, landscaping, grading and paving, and other property necessary therefor and the expenses of all proceedings for the authorization, issuance and sale of the bonds?	YES	185,778	10,428	196,206
	NO	50,673	3,252	53,925

PROPOSITION H.

		Vote		
		Precincts	Absentee	Total
Shall the San Diego Unified Port District incur a bonded indebtedness in the principal sum of $1,530,000 for the purpose of the acquisition and construction of improvements, works, property and facilities to improve the area called Harbor Island and the isthmus leading thereto by the construction and installation of utilities, drainage structures, roadways, curbs and sidewalks, automobile parking lots, public rest rooms, public areas, lighting, landscaping, dredging, grading, capping, filling and bank protection, and including the expenses of all proceedings for the authorization, issuance and sale of the bonds?	YES	185,690	9,491	195,181
	NO	49,611	3,953	53,564

PROPOSITION J.

		Precincts	Vote Absentee	Total
Shall the San Diego Unified Port District incur a bonded indebtedness in the principal sum of $3,930,000 for the purpose of the acquisition and construction of the first increment of the 24th Street Marine Terminal, including dredging and filling, riprapp bank construction, the surfacing and paving of open storage areas, the construction of an apron wharf and bulkheads, the construction and installation of storm drains and utilities, access roadways, railroad tracks, pipelines, floodlighting, and all appurtenances, structures and work necessary or convenient for said Terminal, and including the expenses of all proceedings for the authorization, issuance and sale of the bonds?	YES	191,412	9,882	201,294
	NO	43,529	3,464	46,993

IT IS FURTHER ORDERED that the Clerk of this Board certify said result to the San Diego Unified Port District.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 8th day of December, 1964, by the following vote:

AYES: Supervisors Gibson, Bird, Dent, Austin, and Cozens
NOES: Supervisors None
ABSENT: Supervisors None

STATE OF CALIFORNIA }
County of San Diego } ss

I, HELEN KLECKNER, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 8th day of December, 1964.

HELEN KLECKNER
Clerk of the Board of Supervisors
/s/ FLORINDA CLARK

By Florinda Clark
Deputy

(SEAL)

Certificate of Charles J. Sexton, Registrar of Voters, County of San Diego

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STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

I, CHARLES J. SEXTON, REGISTRAR OF VOTERS in and for the County of San Diego, State of California, Do HEREBY CERTIFY that at the General Election held November 3, 1964, the precinct vote within the City of Coronado on the San Diego Unified Port District bond propositions was as follows:

PROPOSITION G
Yes—3005
No —1278

PROPOSITION H
Yes—2781
No —1455

PROPOSITION J
Yes—2633
No —1364

DATED: January 5, 1965.

/s/ CHARLES J. SEXTON
CHARLES J. SEXTON
REGISTRAR OF VOTERS
In and for the County of
San Diego, State of California